

UNITED STATES DISTRICT COURT

District of

State of California, et al.,

SUMMONS IN A CIVIL ACTION

V.

Abbott Laboratories, Inc., et al.

CASE NUMBER: 01-CV-12257-PBS
MDL 1456

TO: (Name and address of Defendant)

Merck KGaA
Frankfurter Str. 250
Darmstadt
D-64293 Germany

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Brian V. Frankel
Supervising Deputy Attorney General
Bureau of Medical Fraud and Elder Abuse
Office of the Attorney General
California Department of Justice
1455 Frazee Road. Suite 315
San Diego, California 92108

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.



CLERK

(By) DEPUTY CLERK

DATE

NOV 3 - 2005



TRANSPERFECT
TRANSLATIONS

City of New York, State of New York, County of New York

I, Allison Hahn, hereby certify that the following is, to the best of my knowledge and belief, a true and accurate translation of the California Summons from English into German.

Allison Hahn
Allison Hahn

Sworn to before me this
20th of January, 2006.

Paul D. Ralston
Signature, Notary Public

PAUL D. RALSTON
Notary Public, State of New York
No. 01RA6023867
Qualified in Queens County
Commission Expires May 3, 2007

Stamp, Notary Public

ATLANTA
BOSTON
BRUSSELS
CHICAGO
DALLAS
DENVER
FRANKFURT
GENEVA
HONG KONG
HOUSTON
LONDON
LOS ANGELES
MIAMI
MINNEAPOLIS
MONTREAL
MUNICH
NEW YORK
PARIS
PHILADELPHIA
RESEARCH
TRIANGLE PARK
SAN DIEGO
SAN FRANCISCO
SEATTLE
STOCKHOLM
TOKYO
WASHINGTON, DC

AO 440 (Rev. 8/01) Ladung in einer Zivilklage

UNITED STATES DISTRICT COURT (BEZIRKSGERICHT DER VEREINIGTEN STAATEN)

Bezirk

State of California (US-Bundesstaat Kalifornien) u.a. ,

./.

**LADUNG IN
EINER ZIVILKLAGE**

Abbott Laboratories, Inc. , u.a.

FALLNUMMER: 01-CV-12257-PBS
MDL Nr. 1456

AN: (Name und Adresse des/der Beklagten)

Merck KGaA
Frankfurter Str. 250
D-64293 Darmstadt

SIE WERDEN HIERMIT AUFGEFORDERT und sind verpflichtet, dem ANWALT DES
KLÄGERS/DER KLÄGERIN (Name und Adresse)

Brian V. Frankel
Supervising Deputy Attorney General
Bureau of Medical Fraud and Elder Abuse
Office of the Attorney General
California Department of Justice
1455 Frazee Road, Suite 315
San Diego, California 92108
[USA]

innerhalb von 20 Tagen nach Zustellung dieser Ladung, der Zustellungstag ausgenommen, eine
Erwiderung auf die Klage, die Ihnen zusammen mit dieser Ladung zugestellt wird, zukommen zu lassen.
Im Falle der Unterlassung ergeht ein Versäumnisurteil im in der Klage geforderten Umfang gegen Sie.
Erwiderungen, die den Klageparteien zugestellt werden, müssen innerhalb einer angemessenen Frist nach
Zustellung beim Urkundsbeamter des Gerichts eingereicht werden.

[Name unleserlich] 3. November 2005
URKUNDSBEAMTER DES GERICHTS DATUM

[Stempel des Bezirksgerichts für den Bezirk Massachusetts]

[Unterschrift]
(Durch) STELLV. URKUNDSBEAMTEN DES GERICHTS

Geprüft.

Darmstadt, den 20. APR. 2006

Der Präsident des Amtsgerichts

[Handwritten signature]



Amtsgericht, Postfach 11 09 51, 64224 Darmstadt

Aktenzeichen 3 AR 27/06

Nicholas Paul
Deputy Attorney General
1455 Frazee Road, Suite 315
San Diego, CA 92108
U. S. A.

Telefon: 83 91
Telefax: 06151 - 12 8357

Ihr Zeichen
Ihre Nachricht

Datum **04.04.2006**

Rechtshilfeverkehr mit dem Ausland in Zivilsachen

Ersuchen vom 30.01.2006

Zustellung an Firma Merck KGaA

Sehr geehrte Damen und Herren,

beiliegend geben wir Ihnen das Rechtshilfeersuchen nach Erledigung, unter Beifügung des Zustellungszeugnisses zurück

Mit dem Ausdruck vorzüglicher Hochachtung

[Handwritten signature]
Höbel
Rechtspflegerin



(Upper left corner partial, illegible round seal)

District Court of Darmstadt

(Center, upper margin) **93E** *(Handwritten notation)* 2-22/06

Reviewed and Corrected.

Darmstadt on the 20th of April 2006

The President of the District Court

(Illegible signature)

(Upper right margin) Coat of Arms

District Court, Post Office Box 11 09 51.64224 Darmstadt

File Reference 3 AR 27/06

Telephone: 8391

Telefax: 06151 - 12 8357

Your Reference

Your Notification

Date 04/04/2006

Nicholas Paul

Deputy Attorney General

1455 Frazee Road, Suite 315

San Diego, CA 92108

U.S.A.

Legal Assistance Correspondence with Foreign Jurisdictions Regarding Civil Matters

Request Dated 1/30/2006

Service Delivery to Merck KGaA Company

Dear Ladies and Gentlemen:

We are returning to you herewith the completed Legal Assistance Request, including as an attachment the certificate of service.

Respectfully yours,

(Illegible initials)

Höbel

Legal Assistant

(Superimposed round seal) Darmstadt District Court

(At bottom, printed)

64293 Darmstadt - Julius-Reiber-Str. 15 Business hours: Monday-Friday, 9:00 - 12:00

Telephone 06151 - 120 - Telefax 06151 - 12 8357

AVR11 - Transfer of written correspondence (EU CA 55.DOT) - (08.94)

CERTIFICATION

I, Carlos E. Benemann, certify:

That I am familiar with both the English and German languages, and that I am competent to translate documents from German to English. I am a Certified California State Court Interpreter and Registered California German interpreter, Certification and Registration No. 300778.

That I have translated from German into English the attached document entitled **Legal Assistance Correspondence dated 4/4/06**.

I hereby certify that the document was completely, fully and accurately translated to the best of my knowledge, ability and belief.

DATED: May 20, 2006

A handwritten signature in cursive script, reading "Carlos E. Benemann", written in dark ink.

Carlos E. Benemann
Interpreter-Translator
P. O. Box 1034
Ferndale, CA 95536
(707) 786-9135

**CERTIFICATE
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1) that the document has been served *

1. que la demande a été exécutée

— the (date)

— le (date)

22.02.2006

— at (place, street, number)

— à (localité, rue numéro)

Darmstadt, Frankfurter Str. 250

— in one of the following methods authorised by article 5—

— dans une des formes suivantes prévues à l'article 5:

☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.

a) selon les formes légales (article 5, alinéa premier, lettre a).

☐ (b) in accordance with the following particular method*:

b) selon la forme particulière suivante :

☒ (c) by delivery to the addressee, who accepted it voluntarily.*

c) par remise simple

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à:

— (identity and description of person)

— (identité et qualité de la personne)

— relationship to the addressee (family, business or other):

— liens de parenté, de subordination ou autres, avec le destinataire de l'acte:

2) that the document has not been served, by reason of the following facts*:

2. que la demande n'a pas été exécutée, en raison des faits suivants :

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement*

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

Annexes

Annexes

Documents returned:

Pièces renvoyées:

Civil Action Complaint
and Summons

In appropriate cases, documents establishing the service:

Le cas échéant, les documents justificatifs de l'exécution:

Done at

Fait à

Darmstadt

the

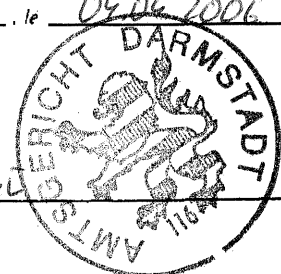
le

04.06.2006

Signature and/or stamp.

Signature et/ou cachet.

Hövel, Rpf



*Delete if inappropriate.

Supprimer les mentions inutiles

CERTIFICATE OF SERVICE

I, Nicholas Paul, hereby certify that on June 19, 2006, I caused a true and correct copy of the foregoing, **Summons in a Civil Action Returned Executed as to Merck KGaA** to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: June 19, 2006

/s/ Nicholas Paul
NICHOLAS PAUL
Supervising Deputy Attorney General
Bureau of Medi-Cal Fraud & Elder Abuse
State of California
1455 Frazee Road, Suite 315
San Diego, CA 94108
Telephone: (619) 688-6114
Facsimile: (619) 688-4200